

1 Philip Heller, PLC (CA State Bar No. 113938)  
ph@philipheller.com  
2 Jerold Fagelbaum, Esq. (CA State Bar No. 92584)  
office@fhllplaw.com  
3 **FAGELBAUM & HELLER LLP**  
2049 Century Park East, Suite 4250  
4 Los Angeles, CA 90067  
Telephone: 310.286.7666  
5 Facsimile: 310.286.7086

6 C. STANLEY HUNTERTON, ESQ  
7 Nevada Bar No. 5044  
8 **HUNTERTON & ASSOCIATES**  
9 333 S. Sixth Street  
Las Vegas, NV 89101  
Telephone: 702.388.0098  
Facsimile: 702.388.0361

10 Attorneys for Plaintiff Phase II Chin, LLC

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

16 PHASE II CHIN, LLC and LOVE &  
MONEY LLC (formerly dba O.P.M.L.V.,  
LLC),

Case No. 2:08-cv-00162-JCM-GWF

**REQUEST FOR STATUS CONFERENCE**

17 Plaintiffs,

19 | and

FORUM SHOPS, LLC, FORUM  
DEVELOPERS LIMITED  
PARTNERSHIP, SIMON PROPERTY  
GROUP LIMITED PARTNERSHIP,  
SIMON PROPERTY GROUP, INC.,  
CAESARS PLACE CORP., and CAESARS  
PALACE REALTY CORP.

**DATE: To Be Determined**  
**TIME: To Be Determined**  
**CTR: Hon. James C. Mahan**

## Defendants

1

I.

**PRELIMINARY STATEMENT**

2

3 Plaintiff Phase II Chin, LLC ("Chinois") respectfully requests that the Court conduct a  
4 telephonic status conference, at a date and time convenient to the Court, in order to address the  
5 appropriate sequencing of two Motions to Dismiss filed by Defendants, currently scheduled to  
6 be heard before the Court on February 6, 2009 at 10:30 a.m., and a Motion to Disqualify counsel  
7 for Defendants Caesars Palace Corp. and Caesars Palace Realty Corp., filed by Plaintiff Chinois,  
8 currently scheduled to be heard before Magistrate Judge George W. Foley, Jr., on February 12,  
9 2009 at 9:30 a.m.

10

II.

11

**RELEVANT BACKGROUND**

12 Currently before this Court are two Motions to Dismiss, one filed by Lionel Sawyer &  
13 Collins, on behalf of Defendants Forum Shops LLC, Forum Developers Limited Partnership,  
14 Simon Property Group Limited Partnership and Simon Property Group, Inc., and a second by  
15 Morris Pickering & Peterson, on behalf of Defendants Caesars Palace Corp. and Caesars Palace  
16 Realty Corp. The hearing on these two Motions has been continued several times for a variety  
17 of reasons at the request of both counsel for Plaintiffs and Defendants pursuant to Stipulation  
18 and Court Order. That hearing is now set before the District Court for February 6, 2009.

19 Recently, due to counsel for the Caesars Defendants' election to the Nevada Supreme  
20 Court, attorney Steve Morris has substituted in for attorney Kris Pickering, and Morris Pickering  
21 & Peterson has become Morris Peterson. For reasons fully detailed in its Motion, on January 5,  
22 2009 Plaintiff Chinois filed a Motion to Disqualify Steve Morris and Morris Peterson from  
23 representing the Caesars Defendants in this case. The Court has referred the Motion to  
24 Magistrate Judge Foley, where it currently is set for a hearing on February 12, 2009, the first  
25 date available for the Magistrate Judge.

26 Plaintiff's counsel contacted the Court's clerk to request that the Motion to Disqualify be  
27 heard prior to the Motions to Dismiss (obviously if Plaintiff's Motion to Disqualify is granted  
28 then Morris Peterson should not be appearing on behalf of the Caesars Defendants to argue their

1 Motion to Dismiss). The Court's clerk indicated the Court would continue the hearing of the  
2 Motions to Dismiss until after the hearing of the Motion to Disqualify pursuant to a stipulation  
3 of the parties. The Court clerk further advised that February 24, 26 and 27, 2009 were dates  
4 convenient to the Court.

5 Subsequently, a telephone call to the Court's clerk was initiated by counsel for Plaintiff  
6 (Mr. Fagelbaum) and counsel for the Forum Defendants (Mr. McCrea) and a message was left  
7 advising the Court that the parties were unable to reach a stipulation voluntarily agreeing to  
8 sequencing the Motions as requested by Plaintiff Chinois.

9 **III.**

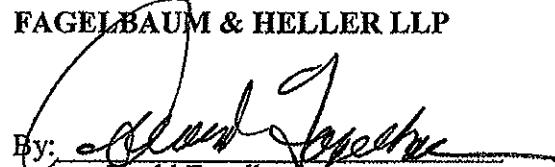
10 **PURPOSE OF THE REQUEST FOR STATUS CONFERENCE**

11 Plaintiff Chinois requests a telephonic Status Conference so that the Court may  
12 determine the appropriate sequencing of the Motions now respectively set for February 6, 2009  
13 before the District Court and February 12, 2009 before the Magistrate Judge. Plaintiff's request  
14 that the Court continue the hearing on the two Motions to Dismiss until a date convenient to the  
15 Court after the hearing on the Motion to Disqualify is objected to by counsel for the Forum  
16 Defendants.

17 Respectfully submitted,

18 Dated: January 21, 2009

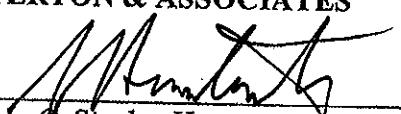
FAGELBAUM & HELLER LLP

19 By: 

20 Jerold Fagelbaum  
21 2049 Century Park East, Suite 4250  
22 Los Angeles, CA 90067-3254  
23 Attorneys for Phase II Chin, LLC

24 Dated: January 22, 2009

HUNTERTON & ASSOCIATES

25 By: 

26 C. Stanley Hunterton  
27 333 S. Sixth Street  
28 Las Vegas, NV 89101  
Attorneys for Phase II Chin, LLC